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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,458	01/23/2001	Hiroataka Hosokawa	F-6847	2128

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EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/767,458

Applicant(s)

HOSOKAWA, HIROTAKA

Examiner

Corbett B. Coburn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Video Game That Repeatedly Uses Animated Segments In Order To Reduce Costs.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 12 & 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4, 12 & 20 recite the limitation "the image data prepared beforehand" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is unclear which image data the claim is referring to.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8-14, 16-22 & 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Naka et al. (US Patent Number 5,411,272).

**Claims 1, 9, 17:** Naka teaches a video game device for displaying a play character on a game screen displayed on a monitor and moving the play character from a reference position to a predetermined position in a game space by operating an operation member.

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(Abstract) There is a storage unit (42) for storing a first image data group (sprites) including a plurality of frames of image data for displaying a first action relating to the moving action of the play character. (Fig 17 & Col 10, 13-14) There is a second image data group including a plurality of frames of image data for displaying a second action. (Fig 17 & Col 10, 15-16) There is a display control unit (47) for reading the first and second image data group from the storage unit and displaying the action of the play character based on the read image data. Fig 17 shows the action of a switch control unit for switching the first image data group to the second image data group such that the first action and the second action are smoothly successively displayed without any discontinuity when the play character reaches the predetermined position by repeatedly displaying the first action. Reading from left to right, Fig 17 shows the display of two identical images then a transition to a third image. This is switching between a first image group to a second image group such that the first action and the second action are smoothly successively displayed without any discontinuity when the play character reaches the predetermined position by repeatedly displaying the first action.

**Claims 2, 10, 18:** Fig 16A shows a specified frame of image data of the first image data group is switched to a frame of image data of the second image data relating the specified frame when the play character reaches the predetermined position. (Col 11, 44-64)

**Claims 3, 11, 19:** The specified frame is inherently the last frame of the first image data group or a frame relating to the last frame, and the frame of the second image data group relating to the specified frame is the first frame thereof.

**Claims 4, 12, 20:** the first image data group includes image data generated between successive frames using the image data prepared beforehand. (See "Sprites", Cols 9-10)

**Claims 5, 13, 21:** The display control unit controls the movement of the play character displayed on the monitor in accordance with the operational state of the operation member. (Col 1, 15-21)

**Claims 6, 14, 22:** The display control unit generates an image data between successive frames stored in the storage unit when the operation state of the operation member is changed. (Figs 18A&B)

**Claims 8, 16 & 24:** Naka having the moving speed of the play character displayed on the monitor by the first action vary according to the operated amount of the operation member. (Col 1, 33-35) But Naka does teach that there are a fixed number of images depicting a running sprite. (Col 10, 14-15) In this case, there are four images that depict a running sprite. Since these images are predetermined, each image must represent a constant unit moved amount regardless of the moving speed of the play character. Thus, in order to increase the speed at which the character moves, the distance of the predetermined position from the reference position is a multiple of the unit moved amount – i.e., doubling the speed at which the character moves means doubling the distance moved in the same unit of time.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 15, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naka as applied to claim 6, 14, or 22 in view of Halas et al. (The Technique of Film Animation).

**Claims 7, 15 & 23:** Naka teaches the invention substantially as claimed. While Naka appears to interpolate between successive frames (Figs 18A & B), Naka does not specifically say that image data generated by the display control unit is generated by interpolation between the successive frames. However, this interpolation is well known to the animator's art. Halas, on pages 189 & 190 teaches that the key animators draw the main images and the in-between artists interpolate between successive frames. This allows a smooth transition between the main images. It would have been obvious to one of ordinary skill in the art at the time of the invention to have image data generated by the display control unit by interpolation between the successive frames in order to provide a smooth transition between images stored on successive frames.

***Information Disclosure Statement***

8. The information disclosure statement filed 30 January 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein for which no translation has been attached has not been considered.

*Conclusion*


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas et al. (*The Illusion of Life, Disney Animation*) teaches animation techniques.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

cbc  
February 6, 2003

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700